

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 22-1378-MN
)	
MASIMO CORPORATION and)	JURY TRIAL DEMANDED
SOUND UNITED, LLC,)	
)	
Defendants.)	
)	
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MASIMO CORPORATION and)	
CERCACOR LABORATORIES, INC.,)	
)	
Counter-Claimants,)	
)	
v.)	
)	
APPLE INC.,)	
)	
Counter-Defendant.)	

**DECLARATION OF JORDAN N. MALZ IN SUPPORT OF
PLAINTIFF APPLE INC.’S MOTION TO**

- (1) SEVER MASIMO’S 16 UNRELATED ANTITRUST, FALSE ADVERTISING,
AND PATENT INFRINGEMENT COUNTERCLAIMS AND**
- (2) STAY MASIMO’S PATENT INFRINGEMENT COUNTERCLAIMS RELATED
TO OTHER INFRINGEMENT COUNTERCLAIMS ALREADY STAYED
PURSUANT TO 28 U.S.C. § 1659**

I, Jordan N. Malz, declare and state as follows:

1. I am an attorney and partner at the law firm Desmarais LLP, counsel of record for Plaintiff Apple Inc. (“Apple”) in the above-captioned case. I submit this declaration based on personal knowledge, and if called upon as a witness, could competently testify to the truth of each statement herein.

2. Attached as **Exhibit 1** is a true and correct copy of the publicly-available version of the International Trade Commission complaint (excluding exhibits) filed by Masimo Corporation and Ceracor Laboratories, Inc. against Apple on June 29, 2021.

3. Attached as **Exhibit 2** is a true and correct copy of the Order issued by Judge Matthew F. Kennelly on January 24, 2023 in *10X Genomics, Inc., et al. vs. Nanostring Techs., Inc.*, Case No. 22-cv-261-MFK, D.I. 83.

4. Attached as **Exhibit 3** is a true and correct excerpt from the Official Transcript of the Oral Argument Hearing held on August 17, 2017 before Magistrate Judge Christopher J. Burke in *Siemens Indus., Inc. v. Westinghouse Air Brake Techs. Corp.*, No. 16-cv-284-LPS-CJB.

5. Attached as **Exhibit 4** is a true and correct excerpt from the Official Transcript of the Oral Argument Hearing held on July 22, 2015 before Judge Leonard P. Stark in *LG Elecs. Inc. et al. v. Toshiba Samsung Storage Tech. Korea Corp.*, No. 12-cv-1063-LPS, D.I. 91.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 3, 2023

By: /s/ Jordan N. Malz
Jordan N. Malz

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